

**Article on Contempt of Court Process in the New Criminal Code:
Between Respect and Concerns of Judges' Unlimited Authority**

Zico Junius Fernando¹ & Panca Sarjana Putra²

Abstract

This study focuses on the importance of finding a balance between freedom of expression and the protection of the integrity of the judicial system within the framework of Indonesia's new Criminal Code, Article 280, paragraph 1, letter b. This article, which is designed to maintain order and respect the authority of the courts, raises concerns regarding its impact on freedom of expression and potential abuses that could limit constructive criticism of the judicial system. This study employs normative legal research methods and a variety of approaches. This research examines the implementation of Article 280, paragraph 1, letter b of Indonesia's new Criminal Code, focusing on the balance between respecting judicial authority and preserving freedom of expression. Through content analysis of the collected data, the study suggests several reforms, including establishing a clear code of conduct, offering regular training for law enforcement and court officials, creating a transparent complaints mechanism, and conducting ongoing evaluations of the article's effects. The study stresses the importance of involving various stakeholders, such as the judiciary, legislature, legal professionals, academia, NGOs, and the public, in these reforms.

Keywords: Article 280 of the New Criminal Code, Freedom of Expression, Integrity of the Judicial System, Authority of Judges, Protection of Judicial Dignity.

Introduction

In the discourse of law and justice, the concept of contempt of court plays an important role in maintaining the integrity and authority of the judicial system. (Sopyan, 2021) Acts of contempt of court not only threaten the dignity and authority of the judiciary but also challenge the foundations of public trust in justice and the independence of the judiciary. (Khairo, 2017)

In this context, the importance of understanding the boundaries between freedom of expression and protection of the integrity of the judicial system is highlighted, as the two are often in tension. (Synodinou, 2012) Contempt of court refers to a range of acts, behaviors, attitudes, and speech that have the potential to undermine the authority, dignity, and honor of the judiciary. (Dian Dwi Jayanti,

¹Fakultas Hukum, Universitas Bengkulu, Indonesia. zjfernando@unib.ac.id

²Fakultas Hukum, Universitas Islam Sumatera Utara, Indonesia. pancasp@fh.uisu.ac.id

2022) Such actions can have a negative impact on public perceptions of the integrity and independence of the judiciary, thereby reducing public confidence in the justice system.

Contempt of court includes not only direct actions that interfere with the course of the judicial process, such as disobeying a court order or being disrespectful to a judge during a trial, but also actions taken outside the courtroom that may attack the integrity or undermine the independence of the judiciary. (H. Yusep Mulyana, 2023) This requires a clear line to be drawn between freedom of speech and the need to preserve the dignity of the judiciary so that it can carry out its duties fairly and independently. In recent years, Indonesia's judicial system has faced major credibility challenges, triggered by a series of cases involving judges. Paradoxically, individuals who are supposed to embody role models in law enforcement and maintain integrity have instead been implicated in scandals, particularly corruption cases.

This situation not only raised concerns among the public about the personal integrity of the judges involved, but it also significantly shook public confidence in the judiciary as an institution. As a result, the phenomenon of contempt of court or harassment of the judiciary became more frequent, reflecting the public's response to this decline in trust. The public began to doubt the ability of the justice system to act as an impartial and corruption-free guardian of justice. This suggests that the breakdown of integrity in the justice system impacts not only the individual cases involved, but also public perception and trust in the entire system. This crisis of confidence creates deep challenges for efforts to restore and strengthen the credibility of Indonesia's justice system, highlighting the urgent need for reform and strengthening of accountability and transparency mechanisms within the judiciary. (Putra et al., 2023)

Table 1. List of Judges who have been charged with corruption

| No | Names of judges involved in corruption cases | Position |
|----|--|--|
| 1 | Kartini Marpaung | Ad hoc judge of Semarang Corruption Court |
| 2 | Heru Kisbandono | Ad hoc judge of the Pontianak Corruption Court |
| 3 | Pragsono | Judge of Semarang Corruption Court |
| 4 | Asmadinata | Ad hoc judge of Palu Corruption Court |
| 5 | Setyabudi Tejocahyono | Vice Chairman of Bandung District Court |
| 6 | Ramlan Comel | Ad hoc judge of Bandung Corruption Court |
| 7 | Pasti Serefina Sinaga | Judge of the West Java High Court |

| | | |
|----|-----------------------|---|
| 8 | Amir Fauzi | Judge of the Medan State Administrative Court |
| 9 | Dermawan Ginting | Judge of the Medan State Administrative Court |
| 10 | Tripeni Irianto Putro | Chairman of Medan Administrative Court |
| 11 | Janner Purba | Chairman of Kepahiang District Court |
| 12 | Toton | Ad hoc judge of Bengkulu Corruption Court |
| 13 | Dewi Suryana | Judge at Bengkulu Corruption Court |
| 14 | Sudiwardono | Chairman of North Sulawesi High Court |
| 15 | Merry Purba | Ad hoc judge of Medan Corruption Court |
| 16 | Wahyu Widya Nurfitri | Judge of Tangerang District Court |
| 17 | Iswahyu Widodo | South Jakarta District Court judge |
| 18 | Irwan | South Jakarta District Court judge |
| 19 | Lasito | Semarang District Court judge |
| 20 | Kayat | Balikpapan District Court judge |

Source: Processed from various sources

A report by Indonesia Corruption Watch (ICW), an entity committed to anti-corruption monitoring and advocacy, reveals a shocking reality about the state of integrity in Indonesia's judicial system. According to the report, during the period 2012–2019, 20 judges were involved in corruption cases. This is not just a statistic, but a clear indication of the vulnerability of the judicial system to malfeasance and corruption. (Nadia Intan Fajarlie, 2022) This significantly highlights the need for a deep and comprehensive reform of the structure and practice of the judiciary in Indonesia. The involvement of twenty judges in corruption cases, who are supposed to represent the principles of justice and integrity, has caused deep disappointment and distrust among the public. (Appludnopsanji et al., 2021) This situation has not only damaged the image of the individual judges involved, but it has also tarnished the credibility of the judiciary as a whole. In a context where the judicial system is supposed to function as the frontline for upholding law and justice, reality shows that the system has failed to maintain the standards of integrity and justice expected by society. (Matviyiv, 2023) This highlights the urgency and pressing need for reforms that not only target systematic improvements but also rebuild public trust in the judiciary.

The public trust crisis in Indonesia's judiciary reflects a fundamental problem that has led to an increase in incidents of contempt of court or harassment of the judiciary. (Nurhidayat, 2021) Public trust is an important foundation that supports

the integrity and authority of the judicial system as an institution that is expected to be the last place to seek justice.(Joel Bigley & Marc Weniger, 2020) However, when this trust fades, it not only reduces the legitimacy of the judiciary in the eyes of the public, but also triggers actions that are detrimental to the judiciary's integrity. In Indonesia, the incidence of contempt of court has reached an alarming level, with incidents ranging from verbal acts like insulting speech in the courtroom to physical violence.(Subarsyah, 2020) Incidents such as the vandalism of the Temanggung District Court building in Central Java demonstrate the serious escalation of this form of harassment, where the target of the harassment is not only court property but also the individuals within it, including the judges. On November 15, 2003, a tragedy shook the peace of East Nusa Tenggara when irresponsible parties burned the Larantuka District Court building. It didn't stop there; a shocking incident occurred at the Poso District Court in Central Sulawesi on December 23, 2008, when a prosecutor attacked a judge just moments after the judge had acquitted a defendant. Violence and instability became even more rampant on July 18, 2019, when an unscrupulous advocate viciously used his belt to assault a judge who was delivering a verdict in open court.(Haris Setyawan, 2022) Such situations not only damage property but also attack the foundation of justice itself, posing a serious threat to the rule of law and justice in Indonesia.

The Draft Criminal Code (RKUHP), a long-awaited and intensively discussed legislative document, was finally officially passed into Law No. 1 of 2023 on the new Criminal Code (KUHP) at the House of Representatives Plenary Meeting held on Tuesday, December 6, 2022. This ratification marks a fundamental change in Indonesia's criminal law system, replacing the *Wetboek van Strafrecht*, known as the old Criminal Code, which was first enacted by Law No. 1/1946 on Criminal Law Regulations.(Fernando, Wulandari, et al., 2023) With the enactment of the new Criminal Code, Indonesia took a major step in its criminal law reform, seeking to create a criminal law system that is more relevant to the country's contemporary social conditions, culture, and legal needs. The new Criminal Code is expected to better reflect the values of justice, equality, and human rights that are the aspirations of Indonesian society today.(Malau, 2023)

The draft of the new Criminal Code, even though it has been officially passed into law, still received strong rejection reactions from some circles of Indonesian society. This rejection is not without reason; prior to the ratification in December 2022, precisely in September 2019, the RKUHP had triggered a large wave of protests from students in various cities throughout Indonesia.(Fathiyah Wardah et al, 2022) Toward the end of the 2014–2019 term of the House of Representatives, significant public protests, mainly led by students, occurred in response to the proposed revisions in the RKUHP (Indonesian Criminal Code). These protests

highlighted concerns over vague and broad "rubber articles" within the RKUHP, which could potentially be misused by law enforcement to curb free speech and democratic rights. Specifically, articles like Article 280, paragraph 1, letter (b), which pertains to the defamation of the judicial process, were feared to overly empower judges and threaten judicial integrity, thus limiting public freedom of expression. Critics argue that although the revisions aim to update and align the Criminal Code with contemporary social and legal demands, they fail to adequately reflect essential democratic values such as fairness, transparency, and justice.(Butt, 2023)

Article 280, paragraph 1, letter (b) of the New Criminal Code, part of the section on Criminal Offenses Against the Judicial Process, has sparked widespread debate among lawyers, academics, and the public. This article imposes criminal penalties for disobeying court orders, showing disrespect to the judge or court after receiving a warning, or broadcasting court proceedings without permission. Critics argue that it gives judges too much power, potentially positioning them above criticism and affecting their perceived impartiality. Concerns include the lack of clarity on what constitutes disrespect and the potential for subjective interpretation, which could lead to misuse of the law. These issues underscore the need for ongoing discussions to balance respect for court authority with ensuring transparency and accountability in the judicial system.

Exploring the multifaceted concept of contempt of court necessitates addressing two distinct yet interrelated research questions. First, how have historical legal frameworks influenced contemporary perceptions and regulations of contempt of court, and what challenges do these pose for modern justice systems? This question aims to connect the historical evolution of legal doctrines to current judicial practices. Second, in the context of the New Criminal Code's Article 280, paragraph 1, letter (b), how does this specific provision impact the balance between judicial authority and the freedoms of expression and press? This question critically examines the tensions and potential conflicts between upholding court decorum and ensuring transparency and free speech. These questions are designed to provide a holistic understanding of the delicate balance legal systems must maintain between authority and liberty.

Method

This research adopts a comprehensive normative legal methodology, focusing on contempt of court proceedings as set out in Article 280, paragraph 1 letter (b) of the new Criminal Code, in order to evaluate and understand its implications for freedom of expression and the integrity of the judicial system.(Effendi et al.,

2023) Using a statutory approach, this study carefully looks at Article 280, paragraph 1 letter (b) of the new Criminal Code by comparing it to other relevant laws and rules. The goal is to find out how it affects the way courts work and measure that effect. Using a conceptual approach, this research explores the concepts of "contempt of court," freedom of expression, and the integrity of the judicial system to understand how these concepts are interpreted within the legal framework and judicial practice, the interaction and conflict between these concepts affect law enforcement and human rights.(Fernando, Kristanto, et al., 2023)

Findings and Discussion

Understanding Contempt of Court: A Bridge Between Legal History and Contemporary Justice Challenges

The concept of "contempt of court" is historically rooted in the Common Law legal system, particularly in the Anglo-Saxon legal tradition.(Johny, 2009) It reflects its origins in England, when the judiciary was seen as an extension of the power of the king, who himself was regarded as God's representative on earth. In this context, the courts were tasked with punishing those who openly defied the king's orders or prohibitions, thus maintaining royal authority and order. Although Indonesia adheres to the Civil Law legal system, which does not explicitly recognize the doctrine of "contempt of court" as defined in the Common Law system, practices and cases that could be categorized as contempt of court remain frequent.(Reed & Montagu-Smith, 2020) These differences in legal systems do not preclude the fact that challenges to the authority and function of the courts can arise in various forms and contexts, requiring legal mechanisms or rules to maintain the integrity of the judicial process and ensure that judicial institutions can carry out their duties effectively and fairly without interference from external parties.(Afriana et al, 2018) In legal history, the concept of "contempt of court" has deep roots, closely associated with monarchical rule. In the past, the punishment for this act of contempt was set directly by the monarch, who not only acted as the head of state but also as the highest symbol of justice.(Johny, 2009) The king, as the embodiment of absolute power and the source of law, was considered to have a direct responsibility to God in administering justice. Therefore, committing "contempt of court" is essentially considered an act of insulting the king or "contempt of the king" itself, which results in very severe penalties for the offender.(Johny, 2009) According to the definition given by Black's Law Dictionary, "contempt of court" is defined as any act that can be interpreted as humiliating, obstructing, or interfering with the course of judicial duties performed by a judicial body.(Samantasinghar & Samantasinghar, 2017) It also includes conduct that may undermine the judiciary's authority or dignity.

Such conduct is usually committed intentionally by an individual who defies or challenges the authority of the court with the aim of frustrating the performance of judicial duties, or by a person involved in a case who deliberately disobeys a lawful court order. The concept, although rooted in ancient legal traditions, is still relevant today as a mechanism to maintain the integrity and authority of the judicial system.(Johny, 2009)

The term "contempt of court" is etymologically derived from the words "contempt," which means insult or contempt, and "court," which refers to the court. Thus, the term as a whole can be interpreted as an act that aims to insult a judicial body. Such actions are not only aimed at directly demeaning the dignity or authority of the court, but also at the process of administering justice itself, or what is known in legal language as "administration of justice." According to Oemar Senoadji, the definition of contempt of court includes all forms of behavior that confront or contradict the course of justice (recht pleging), be it through direct actions in the courtroom or other actions that can interfere with the integrity and continuity of the justice process.(Johny, 2009) This concept recognizes the importance of maintaining the credibility and honor of the judiciary as the main pillar in upholding law and justice, underscoring that any act that insults or obstructs the course of justice is considered an attack on the foundation of law and justice itself.(Le Sueur, 2014)

To understand the concept of "contempt of court" in Indonesian law, it is important to refer to Law Number 14 of 1985 concerning the Supreme Court, which was later amended by Law Number 5 of 2004. In the general explanation of point 4 of the law, it is asserted that in order to create optimal conditions in the administration of the courts that support the enforcement of law and justice based on the values of Pancasila, there is a need to legally regulate the prosecution of any act, behavior, attitude, and/or speech that has the potential to undermine the authority, dignity, and honor of the judicial body.(Rozikin, 2019) This regulation is known as "Contempt of Court." This shows that Indonesia recognizes the importance of maintaining the integrity of the judiciary as the main foundation in the law enforcement and justice systems. As such, any action that may compromise the credibility and function of the judiciary is taken seriously and requires appropriate legal remedies to ensure that the judicial process can take place in an atmosphere that is conducive, fair, and undisturbed by adverse external factors.(H. Abid et al, 2020)

In Indonesia, there is a concerning trend in relation to public perceptions of the judiciary. This perception has shifted from the initial view of the judiciary as the primary place to seek justice and uphold the law to a more cynical one, where many see the judiciary as a tool or extension of the ruling or political

power.(Roux, 2018) This trend reflects a crisis of confidence in the independence and integrity of the judicial system, which should operate without influence or pressure from external forces, particularly political and ruling powers. Such negative perceptions can stem from a variety of factors, including corruption scandals involving judicial officials, inconsistent handling of cases, or court decisions that appear to favor certain parties.(Gloppen, 2013) As a result, the main challenge facing the judicial system in Indonesia is how to restore public trust and ensure that the judiciary can again be perceived as a fair, independent institution that stands tall as a pillar of law enforcement and justice, free from political intervention and the interests of the authorities. Certain cases in Indonesia have raised deep concerns about the independence of the judiciary and confirmed public perceptions that the courts often function as part of the ruling party or power. A striking example is the manipulation of a defendant's health data, where the court, in collaboration with medical or other parties, allegedly provides false or inaccurate health data. Such actions aim to declare the defendant unfit to stand trial, which in turn hampers or derails the court process.(Butt & Lindsey, 2010) The case of former President Soeharto in Indonesia is a clear example of this practice, where health reasons were used to avoid trial. This reflects public doubts about the ability of the judiciary to uphold truth and justice.(ICW, 2008) Even legislative attempts to reform the justice system, including changes to laws, are often viewed skeptically by the public, assuming that such changes are not sufficient to guarantee that judges or the judiciary will be truly independent and free from external influence.(Pérez Liñán & Castagnola, 2019) In conclusion, these cases highlight the significant challenges facing the justice system in rebuilding public trust and reaffirming its commitment to fairness and independence. The question of the independence of the judiciary comes to the fore in the context of discussions on the principles of democratic governance and the application of the Rule of Law. The judiciary's independence is regarded as one of the key pillars of democratic governance, as well as the foundation for a fair and unbiased judicial system. This concept has been an important topic in discussions on the modern rule of law, as revealed in a conference by the International Commission of Jurists in Bangkok in 1965.(Shetreet, 2014) The independence of the judiciary is defined as the freedom of judges and the judiciary to carry out their duties and authorities without influence, intervention, pressure, or interference from the executive, legislative, or other external forces, including political and business interests. This is intended to ensure that legal decisions are made based on the law and fair facts, without prejudice or personal interest. This independence is an essential requirement to guarantee the rights of citizens and to

ensure that law enforcement and justice can be carried out objectively and unaffected by other forces outside the judicial system itself.(Johny, 2009)

The conference, which emphasized "The Dynamic Aspects of the Rule of Law in the Modern Age," discussed the essential prerequisites for ensuring democratic governance under the Rule of Law.(Johny, 2009) The foundational conditions for democratic governance are essential for fostering a just and responsive society. These six conditions include constitutional protection to ensure all citizens are protected by laws and human rights; a free and impartial judiciary for fair justice free from political bias; and honest, fair, and open elections to choose representatives. Additionally, freedom of expression allows open sharing of ideas and critiques without fear, and freedom of association enables citizens to organize and oppose government views peacefully. Civic education is also crucial, empowering citizens with knowledge of their rights and democratic values. Judicial independence is a core element of these democratic principles, vital for maintaining the rule of law and ensuring justice and human rights are upheld. In Indonesia, this principle is supported by Article 24 of the 1945 Constitution, which declares judicial power independent to guarantee fair and equitable legal treatment for all citizens. Globally, this principle is upheld by international laws such as Article 10 of the Universal Declaration of Human Rights, which ensures everyone the right to a fair trial by an independent and impartial tribunal.(Weissbrodt, 2021) Furthermore, the International Covenant on Civil and Political Rights in Article 14 further affirms the right to a fair trial and states that to ensure the exercise of this right, every state shall ensure an independent and impartial judicial system.(Zhang, 2009)

Both documents highlight that judicial independence is a recognized principle both nationally and internationally, crucial for upholding human rights and ensuring justice. This independence protects the judiciary from political and economic influences, allowing justice to be administered without bias. Such independence is vital for maintaining public trust and is foundational for a just society. The judiciary must not only operate with professionalism but also with accountability, integrity, transparency, and effective oversight to perform its duties independently. These elements ensure that judges can be held responsible for their decisions, act fairly and transparently, and are protected from external and internal pressures, including media influence and public opinion. Judicial independence is central to ensuring that judges can make decisions free from undue influence, with their actions deeply rooted in moral and ethical principles. This ensures the integrity of the judicial process and the delivery of fair justice, which are crucial for maintaining public confidence and the effective functioning of the justice

system. In this framework, contempt of court rules are essential for protecting judicial authority and ensuring the continued delivery of justice.

Between Freedom and Restriction: An In-depth Study of Article 280 Paragraph (1) Letter (b) of the New Criminal Code

Article 280 of the new Criminal Code aims to uphold the governance and integrity of the judicial process by imposing criminal sanctions for disruptive behaviors during court hearings. This law targets four specific actions: non-compliance with court orders, disrespect towards the court after a judge's warning, attacks on the integrity of justice actors, and unauthorized live publication of trial proceedings. These measures emphasize respect for court procedures, ethical conduct in the courtroom, protection of judicial integrity, and control over trial information to prevent media interference and preserve privacy. Additionally, provisions in paragraphs (2) and (3) of Article 280 require complaints from affected parties for prosecution of acts related to disrespect or attacks on justice personnel, highlighting a balance between safeguarding judicial integrity and protecting free expression. This approach necessitates active judge participation in preserving court dignity. Although Article 280 reflects legislative efforts to reinforce judicial processes, careful implementation is essential to avoid restricting freedom of speech or compromising transparency. Ongoing evaluation will help assess its impact on both judicial integrity and democratic freedoms.

Article 280, paragraph (1), letter b of the new Criminal Code addresses disrespectful behavior towards law enforcement and court officials during court proceedings. This provision is designed to uphold the order, dignity, and respect necessary in the judicial process. While these rules are essential for maintaining decorum in court, there is concern that they could limit freedom of expression if "disrespect" is interpreted too broadly or subjectively. The article seeks to balance judicial authority and integrity with the right to free speech, emphasizing careful enforcement to prevent the suppression of valid criticisms of the justice system. The new Criminal Code clearly defines "disrespectful behavior" as actions, words, or statements that undermine the dignity of the courtroom or disobey court orders. This includes both verbal and non-verbal conduct that could harm the authority and respect of the judiciary and its officials. By setting explicit boundaries on what constitutes disrespect, the law aims to minimize ambiguities and guide all participants in maintaining proper courtroom behavior. This legislative effort reflects a commitment to creating a respectful judicial environment while safeguarding the justice process from disruptive influences.

Article 280 of Indonesia's new Criminal Code, which addresses "disrespectful" behavior in court, aims to preserve the dignity of the judicial process but raises concerns about potentially limiting freedom of expression. The

provision's broad definition of disrespect could lead to subjective interpretations, potentially suppressing valid criticisms of the justice system or law enforcement, especially when such criticisms are part of legal arguments or defenses. The challenge lies in balancing the protection of judicial dignity with the individual's right to free expression within legal proceedings. Courts need to apply these rules with sensitivity and discretion to differentiate between legitimate criticism and harmful disrespect. This requires guidelines that are clear and objective, ensuring that actions deemed disrespectful are genuinely detrimental to court integrity and not just unfavorable to the authorities. Internationally, countries like the UK and the US manage similar "contempt of court" laws, balancing the need to protect judicial proceedings with protecting freedom of speech. The UK's Contempt of Court Act 1981, for instance, specifically targets behaviors that disrupt justice, with safeguards to ensure fair reporting by the media. In the US, while "contempt of court" is similarly used to uphold court dignity, there is a strong emphasis on respecting free speech rights under the First Amendment, leading to cautious application of contempt sanctions. Indonesia's approach, although aligned with international practices, faces particular challenges in implementation and interpretation, highlighting the need for careful enforcement to avoid undue limitations on free speech while maintaining court respect and integrity.

Article 280 of the new Criminal Code, which regulates certain behaviors during court hearings, reflects the legislator's efforts to maintain the order and dignity of the judicial process. However, when evaluating the implications of this article, it is necessary to take into account its impact on human rights, especially freedom of expression. There are four specific acts that can attract criminal sanctions of up to a category II fine, including disrespectful behavior towards law enforcement officers, court officials, or court officials after a warning from a judge. A special analysis of Article 280, paragraph (1), letter B, highlights the potential for limiting freedom of expression in the context of the judicial process. While these provisions aim to maintain the integrity of the judicial process, subjective interpretations of what constitutes 'disrespect' can lead to the silencing of legitimate criticism of the justice system. Therefore, the enforcement and interpretation of this article require caution so as not to compromise democratic principles and human rights.

Solutions and input to the challenges faced by the implementation of Article 280 of the new Criminal Code, especially paragraph (1) letter b, which relates to disrespectful attitudes towards law enforcement officers, court officials, or trials, requires a multi-faceted approach involving various stakeholders in the justice system. Here are some recommendations that can be implemented:

- a. Development of a Code of Conduct

To effectively implement Article 280, paragraph (1), letter b of the new Criminal Code, it's crucial to establish clear and detailed codes of conduct for everyone in the justice system. These guidelines should specify what is considered disrespectful behavior towards law enforcement and court officials and outline the consequences. Involving various stakeholders, such as bar associations, human rights groups, legal academics, and civil society, will help ensure that these guidelines are comprehensive and reflect diverse viewpoints. The next step is to organize educational and training sessions for participants in the justice system to emphasize the importance of upholding judicial dignity and understanding the balance between it and the right to free expression. These codes of conduct should be easily accessible to the public through court websites, brochures, and social media. Additionally, setting up feedback and evaluation mechanisms will allow ongoing assessment and input from the public and legal professionals on how these guidelines are working. This inclusive and structured approach will help address the challenges posed by Article 280, ensuring the judiciary's integrity while protecting freedom of expression.

b. Training for Law Enforcement Officials and Court Officials

Regular training for judges, prosecutors, and court officials is crucial to enhancing the justice system's integrity and reducing subjectivity in cases involving disrespect. This training should deepen their understanding of conducting fair hearings while respecting freedom of expression. It should focus on teaching effective communication skills, such as using neutral language and understanding diverse perspectives, and emphasize empathy in listening. Additionally, the training should cover conflict management techniques like mediation and negotiation to help officials manage disputes calmly and professionally. By equipping law enforcement officers and court officials with these skills, the training aims to ensure that cases are handled with professionalism and fairness, thus upholding the dignity of the judiciary and safeguarding human rights and freedom of expression in the judicial process.

c. Clear Complaints Mechanism

Establishing a clear and accessible complaint mechanism is critical for public transparency and addressing unprofessional behavior by judges or court officers. This system should allow individuals to easily file complaints both online and offline, with a straightforward process that is accessible to everyone. The mechanism should include a fair and responsive review system where complaints are promptly and objectively

investigated by competent authorities, ensuring all sides are considered and justice principles are upheld.

Additionally, it is important to strengthen internal oversight bodies like the Judicial Commission, which monitors and evaluates the actions of judges and court staff. These bodies must operate without external influence to maintain fairness. Implementing these steps effective complaint mechanisms and robust internal oversight enhances accountability and transparency in the justice system, boosting public trust in the judiciary's integrity and professionalism and ensuring respectful behaviour is appropriately addressed.

d. Periodic Evaluation and Research

To ensure the justice system remains aligned with democratic principles and human rights, it's crucial to continually study and evaluate the application of Article 280, paragraph 1, letter b of the new Criminal Code, particularly its impact on freedom of speech and judicial fairness. Regular research should be conducted to measure the effectiveness of this article in curbing disrespectful behavior towards law enforcement officers and court officials while upholding constitutionally guaranteed freedom of expression. Such evaluations can provide detailed insights into how the Article is implemented, highlighting both challenges and successes, as well as its actual impact on freedom of expression and judicial integrity. The findings from these evaluations can inform necessary adjustments to legal provisions and judicial practices to better reflect societal dynamics and legal standards. This ongoing assessment requires the active collaboration of various justice system stakeholders, including the judiciary, legislature, legal professionals, academics, NGOs, and the public, with media support to educate the public about the importance of balancing freedom of expression with judicial integrity. This collaborative effort is essential for enhancing justice, transparency, and respect for human rights, thereby boosting public confidence in the justice system and ensuring that the law continues to serve as the foundation of a democratic society.

Conclusion

This study emphasizes the importance of finding a balance between freedom of expression and protecting the integrity of the justice system in the context of Article 280, paragraph 1, letter b of the new Criminal Code in Indonesia. This research reveals that although the regulations are designed to maintain order and respect the authority of the courts, there are substantive concerns about their impact on freedom of expression and the potential for abuse that could limit

constructive criticism of the justice system. To overcome this challenge, it is recommended to develop clear codes of conduct, provide regular training for law enforcement officers and court officials, establish a transparent and easily accessible complaint mechanism, and conduct regular evaluation and research on the implementation and impact of Article 280. In addition, it emphasizes the importance of participation and collaboration among various stakeholders, including the judiciary, legislature, advocates, academics, NGOs, and the general public, to ensure that the implementation of Article 280 not only maintains the dignity and integrity of the judiciary but also respects democratic principles and human rights. Thus, this research underscores the urgency of comprehensive and sustainable reform in the Indonesian justice system, aimed at strengthening accountability, transparency, and public trust in judicial institutions while ensuring that justice remains a central pillar in a democratic society. With a careful and measured approach, the justice system in Indonesia can overcome the challenges faced by the implementation of Article 280, paragraph 1, letter b of the new Criminal Code, ensuring that justice can be carried out in an environment that respects freedom of expression. This will not only help maintain the integrity and dignity of the judicial process but will also strengthen the foundations of democracy and human rights in Indonesia.

References

- Afriana et al. (2018). Contempt of Court: Law Enforcement and Rule Models In Indonesia. *Jurnal Hukum Dan Peradilan*, 7(3), 441–458. <https://doi.org/10.25216/JHP.7.3.2018.441-458>
- Appludnopsanji, Disemadi, H. S., & Jaya, N. S. P. (2021). Reformasi Sistem Peradilan Pidana Indonesia Berwawasan Pancasila. *Kertha Wicaksana*, 15(1), 1–10. <https://doi.org/10.22225/KW.15.1.2021.1-10>
- Butt, S. (2023). Indonesia's New Criminal Code: Indigenising and Democratising Indonesian Criminal Law? *Griffith Law Review*, 32(2), 190–214. <https://doi.org/10.1080/10383441.2023.2243772>
- Butt, S., & Lindsey, T. (2010). Judicial Mafia: The Courts and State Illegality in Indonesia. In *Building Relations, The state and illegality in Indonesia* (pp. 189–213). Brill. <https://brill.com/display/book/9789004253681/B9789004253681-s011.xml>
- Dian Dwi Jayanti. (2022). *Definisi Contempt of Court*. Hukumonline.Com. <https://www.hukumonline.com/klinik/a/contempt-of-court-lt514052dfdcf3b>
- Effendi, E., Fernando, Z. J., Anditya, A. W., & Chandra, M. J. A. (2023). Trading in Influence (Indonesia): A Critical Study. *Cogent Social Sciences*, 9(1), 1–13. <https://doi.org/10.1080/23311886.2023.2231621>
- Fathiyah Wardah et al. (2022). *DPR Sahkan RKUHP Menjadi Undang-Undang*. Voaindonesia.Com. <https://www.voaindonesia.com/a/dpr-sahkan-rkuhp-menjadi-undang-undang/6864134.html>
- Fernando, Z. J., Kristanto, K., Anditya, A. W., Hartati, S. Y., & Baskara, A. (2023). Robot Lawyer in Indonesian Criminal Justice System: Problems and Challenges for Future

- Law Enforcement. *Lex Scientia Law Review*, 7(2), 1–24. <https://doi.org/10.15294/LESREV.V7I2.69423>
- Fernando, Z. J., Rosmanila, Ratna, L., Cholidin, A., & Nunna, B. P. (2023). The Role of Neuroprediction and Artificial Intelligence in the Future of Criminal Procedure Support Science: A New Era in Neuroscience and Criminal Justice. *Yuridika*, 38(3), 593–620. <https://doi.org/10.20473/YDK.V38I3.46104>
- Fernando, Z. J., Wulandari, S., & Putra, P. S. (2023). Potential Overcriminalization in Religious Offenses : A Critical Analysis of The Formulation of The New National Criminal Code (Law 1 Number 2023). *Jurnal HAM*, 14(3), 205–216. <https://doi.org/http://dx.doi.org/10.30641/ham.2023.14.3>
- Gloppen, S. (2013). Courts, Corruption and Judicial Independence. In *Corruption, Grabbing and Development: Real World Challenges* (pp. 68–79). Edward Elgar Publishing Ltd. <https://doi.org/10.4337/9781782544418.00014>
- H. Abid et al. (2020). The Urgency of Judge Integrity in Implementation of Law Enforcement and Justice in Indonesia. *International Journal of Multicultural and Multireligious Understanding*, 7(1), 379–384. <https://doi.org/10.18415/IJMMU.V7I1.1368>
- H. Yusep Mulyana. (2023). Actions That Obstacle The Justice Process (Contempt Of Court) in The Criminal Law System in Indonesia. *East Asian Journal of Multidisciplinary Research*, 2(2), 811–822. <https://doi.org/10.55927/EAJMR.V2I2.3025>
- Haris Setyawan. (2022). *Tentang Istilah Contempt of Court di Pengadilan dan Contoh Kasusnya* - Nasional Tempo.co. Tempo.Com. <https://nasional.tempo.co/read/1668401/tentang-istilah-contempt-of-court-di-pengadilan-dan-contoh-kasusnya>
- ICW. (2008). *Kasus Mantan Presiden Soeharto*. Antikorupsi.Org. <https://www.antikorupsi.org/id/article/kasus-mantan-presiden-soeharto>
- Joel Bigley, E. D., & Marc Weniger, P. D. (2020). Trust in the Justice System as an Institution. *International Journal of Contemporary Research and Review*, 11(06), 21816–21816. <https://doi.org/10.15520/IJCRR.V11I06.816>
- Johny, R. H. (2009). Contempt of Court (Kajian Tentang Ide Dasar Dan Implementasinya Dalam Hukum Pidana). *Jurnal Dinamika Hukum*, 9(2), 135–144. <https://doi.org/10.20884/1.jdh.2009.9.2.221>
- Khairo, F. (2017). Urgensi Contempt Of Court dalam Meningkatkan Wibawa Peradilan Tata Usaha Negara Di Indonesia. *Lex Librum : Jurnal Ilmu Hukum*, 4(1), 597–604. <https://doi.org/10.46839/LLJIH.V4I1.96>
- Le Sueur, A. (2014). The Foundations of Justice. *SSRN Electronic Journal*, 1–37. <https://doi.org/10.2139/SSRN.2530917>
- Malau, P. (2023). Tinjauan Kitab Undang-Undang Hukum Pidana (KUHP) Baru 2023. *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, 5(1), 837–844. <https://doi.org/10.37680/ALMANHAJ.V5I1.2815>
- Matviyiv, R. (2023). Problems in the Sphere of Judges' Benevolence in the Modern Conditions of Political and Legal Reality. *Visnik Nacional'nogo Universitetu «Lvivska Politehnika»*. *Seria: Uridicni Nauki*, 10(39), 21–27. <https://doi.org/10.23939/LAW2023.39.021>
- Nadia Intan Fajarlie. (2022). *Daftar Panjang Hakim-hakim yang Terjerat Kasus Korupsi, dari Pengadilan Negeri hingga Mahkamah Agung*. <https://www.kompas.tv/nasional/331194/daftar-panjang-hakim-hakim-yang-terjerat-kasus-korupsi-dari-pengadilan-negeri-hingga-mahkamah-agung>

- <https://www.kompas.tv/nasional/331194/daftar-panjang-hakim-hakim-yang-terjerat-kasus-korupsi-dari-pengadilan-negeri-hingga-mahkamah-agung>
- Nurhidayat, S. (2021). Pengaturan Dan Ruang Lingkup Contempt of Court Di Indonesia. *Jurnal Ius Constituendum*, 6(1), 73–98. <https://doi.org/10.26623/jic.v6i1.2419>
- Pérez Liñán, A., & Castagnola, A. (2019). The Reform Paradox: Judicial Institutions and Judicial Instability. *SSRN Electronic Journal*, 1–39. <https://doi.org/10.2139/SSRN.3418836>
- Putra, P. S., Fernando, Z. J., Nunna, B. P., & Anggriawan, R. (2023). Judicial Transformation: Integration of AI Judges in Innovating Indonesia's Criminal Justice System. *Kosmik Hukum*, 23(3), 233–247. <https://doi.org/10.30595/kosmikhukum.v23i3.18711>
- Reed, R., & Montagu-Smith, T. (2020). Contempt of Court. *DIFC Courts Practice*, 661–666. <https://doi.org/10.4337/9781788970228.00070>
- Roux, T. (2018). Indonesia's Judicial Review Regime in Comparative Perspective. *Constitutional Review*, 4(2), 188–221. <https://doi.org/10.31078/CONSREV422>
- Rozikin, O. (2019). Contempt of Court In Indonesian Regulation. *JCIC : Jurnal CIC Lembaga Riset Dan Konsultan Sosial*, 1(1), 1–14. <https://doi.org/10.51486/JBO.V1I1.1>
- Samantasinghar, J. K., & Samantasinghar, J. K. (2017). Contempt of Court as Defined in “Contempt of Courts Act 1971. *Journal of Advance Research in Social Science and Humanities (ISSN 2208-2387)*, 3(5), 09–14. <https://doi.org/10.53555/nssh.v3i5.170>
- Shetreet, S. (2014). Judicial Independence, Liberty, Democracy and International Economy. In *The Culture of Judicial Independence: Rule of Law and World Peace* (pp. 14–47). Brill Nijhoff. https://doi.org/10.1163/9789004257818_003
- Sopyan, Y. (2021). Contempt of Court in Indonesia: The Meaning, Root of Problems and Its Alternative Solutions. *Jurnal Dinamika Hukum*, 20(1), 82–100. <https://doi.org/10.20884/1.JDH.2020.20.1.2731>
- Subarsyah, T. (2020). Contempt of Court in Indonesian Criminal Justice System. *International Journal of Science and Society*, 2(3), 312–321. <https://doi.org/10.54783/ijssoc.v2i3.177>
- Synodinou, T.-E. (2012). The Media Coverage of Court Proceedings in Europe: Striking a Balance Between Freedom of Expression and Fair Process. *Computer Law & Security Review*, 28(2), 208–219. <https://doi.org/https://doi.org/10.1016/j.clsr.2012.01.013>
- Weissbrodt, D. (2021). The Right to a Fair Trial under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights: Articles 8, 10 and 11 of the Universal Declaration of Human Rights. In *The Right to a Fair Trial under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights*. Brill Nijhoff. <https://doi.org/10.1163/9789004501911>
- Zhang, J. (2009). Fair Trial Rights in ICCPR. *Journal of Politics and Law*, 2(4), 39–43. <https://doi.org/10.5539/JPL.V2N4P39>